MASS. EA24.2: H34/7

COMMONWEALTH OF MASSACHUSETTS
MASSACHUSETTS HAZARDOUS WASTE FACILITY LICENSING PROCESS
DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING
DIVISION OF HAZARDOUS WASTE
LICENSING AND ENGINEERING BRANCH

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Hazardous Waste Facility Licensing

Public Participation Opportunities

The Licensing and Engineering Branch of the Division of Hazardous Waste is responsible for the licensing of hazardous waste treatment, storage and disposal facilities (TSDFs) in the Commonwealth. These facilities must be designed and safely operated to protect public health, safety, welfare and environment from the dangers of improperly handled hazardous waste.

Stringent licensing requirements are intended to ensure that those who deal with hazardous waste are qualified to do so. Hazardous waste facilities must meet the high standards of performance established by Chapter 21C, the Massachusetts Hazardous Waste Management Act, and the state's hazardous waste regulations, 310 CMR 30.000.

The U.S. Environmental Protection Agency, under the Resource Conservation and Recovery Act (RCRA), required any TSDFs in business on November 19, 1980 to submit a preliminary license application or "Part A". On this basis the facility was granted "interim status" to operate under interim standards until the State approved or denied a license under more stringent regulations promulgated October 15, 1983. An interim status hazardous waste facility may continue to operate until a final decision on a Part B license application has been reached.

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There are four stages in the licensing process:

- **Application**
- **Completeness Review**
- **Technical Review**
- **Public Review and Comment**

We encourage public involvement throughout the licensing process. The following chart defines the licensing activities and the public participation opportunities associated with them.

For additional information, contact the Public Participation Coordinator of the Licensing and Engineering Branch at 617/292-~~5584.~~ 5828

License Activity:	What Happens:	DEQE Staff Responsibility:	Opportunity for Public to:
Part B Request	DHW sends a letter to TSDF owner requesting a license application be submitted within 6 months.	L&E staff notifies: district legislators; municipal officials; Boards and Commissions; and citizen groups.	Learn about the appropriate management of hazardous waste. Ask facility owner/operator for facility tour. Contact your Board of Health to see if the facility is required to have local permits to operate this facility.
Site Visit	L&E staff inspects facility and all hazardous waste operations.	L&E staff will notify public of date and time of visit, if requested.	Identify local/state authorities who are part of the emergency prevention and response program.
License Application	Company submits a detailed description of facility, its management and hazardous waste operations to DHW on date due (1-3 volumes of text, charts, maps, blueprints, pictures).	Company voluntarily presents a summary of its operation to L&E staff. Application placed in Board of Health office.	Request to attend this presentation and ask specific questions on the company. Request a future meeting with the facility owner/operator and/or L&E staff.
Complete Application	L&E staff determines that the company's license application contains the information it needs to begin the technical review.	L&E staff notifies the public. L&E staff schedules a public information meeting in the local community. Community officials, facility owner and operator are invited to participate at the meeting.	Write an article in the local newspaper about the meeting. Inform interested friends about the meeting.

License Activity:	What Happens:	DEQE Staff Responsibility:	Opportunity for Public to:
Complete Application (cont.)		Press release sent to local papers and radio stations.	
		Complete application placed in the local library.	Review application at local library.
		L&E will brief district legislators before the meeting to discuss their concerns.	
	Public Information Meeting in local community.	L&E staff explain licensing process and the facility's license application.	Ask questions on: facility operation, safety mechanisms, emergency procedures, truck routes, employee training.
		Distribute handouts on licensing process and company.	Request an additional, informal meeting.
		Take attendance for future communications.	Make statement(s) related to facility.
			Ask Board of Health and Fire Department about local permits, including Chapter 111, S. 150B site assignment.*
			Request that a task force be set up to resolve local issues pertaining to the facility.
Public Notice of Draft License (45 days)	DHW places notice in the legal advertisement section of regional newspaper and the Environmental Monitor (publication of the MA Executive Office of Environmental Affairs).	L&E staff notifies public by letter.	Read Fact Sheet on company.
		Press release sent to local papers and radio stations.	Submit written comments to the Chief of Licensing and Engineering, DHW.
	Local radio station broadcasts notice on the first day of public comment period.	Fact Sheet on company and the draft license requirements placed in local Board of Health, Library, and DEQE offices.	Send a copy of your comments to local Board of Health and district legislators.
	PUBLIC COMMENT PERIOD BEGINS	Fact Sheet explains the procedures for public comments.	Contact your district legislators to express your concern or support.

*Statute which gives the local board of health authority to impose conditions on hazardous waste facilities.

DEQE - Department of Environmental Quality Engineering
DHW - Division of Hazardous Waste
L&E - Licensing and Engineering

License Activity:	What Happens:	DEQE Staff Responsibility:	Opportunity for Public to:
Public Hearing	L&E staff conducts a public hearing in local community.	Public Notice and written comments received to date are read. Written testimony is accepted. Oral testimony is accepted and taped.	Present written testimony. Present oral testimony.
Comment Period/Summary Response	L&E staff prepares a written response to comments received during the public comment period. DEQE evaluates comments and license requirements.	Summary Response is made available to public.	Evaluate DEQE's responsiveness to public comments and the need for adjudicatory hearing, if license is granted.
	DEQE issues the facility a license for a 5-year period; or	Public Notification.	Request within 21 days that an adjudicatory hearing be held; or
	DEQE denies the facility a license.	Public Notification.	Facility owner may request within 21 days an adjudicatory hearing be held.
Request for Adjudicatory Hearing	A Hearing Officer is appointed by the Commissioner of the DEQE. Adjudicatory Hearing is scheduled and held.	Hearing Officer hears and evaluates testimony. Hearing Officer recommends a decision to grant or deny the license. Commissioner accepts or rejects decision of hearing officer.	Aggrieved parties may request a judicial review.

** A person aggrieved by a final decision in any adjudicatory proceeding may further appeal to Superior Court pursuant to G.L. c.30A**

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